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Attorneys for Plaintiffs A.F.P and J.F.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

A.F.P. and J.F.C.,

Plaintiffs,

v.

United States of America,

Defendant.

Case No. 1:21-cv-00780-DAD-EPG

JOINT STATUS REPORT AND FOURTH JOINT  
MOTION TO HOLD ACTION IN ABEYANCE

No Hearing Requested

1 The parties jointly move the Court for an order holding this action in abeyance for an additional  
2 60 days to facilitate continued settlement negotiations. In support of this motion, the parties state the  
3 following:

4 In this action under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b)(1), 2671-2680, the  
5 plaintiffs—a father and son—assert claims for intentional infliction of emotional distress, abuse of  
6 process, and negligence arising out of plaintiffs’ separation after crossing over the southern border into  
7 the United States in January 2018.

8 On October 8, 2021, the parties jointly moved the Court to hold the action in abeyance for an  
9 additional 60 days, to facilitate ongoing settlement efforts. The same day, the Court granted the motion  
10 and ordered the case held in abeyance until December 14, 2021, at which time the parties were directed  
11 to file this status report notifying the Court whether an additional abeyance is needed.

12 The parties continue to engage in settlement discussions, and require additional time for  
13 ongoing discussions. A further abeyance will allow the parties to continue focusing their efforts  
14 on attempting to resolve these matters.

15 To facilitate continued progress, the parties request an order holding this action, including  
16 all proceedings and case deadlines, in abeyance for an additional 60 days, for the parties to  
17 continue to focus their attention on these settlement efforts. The parties will file another status  
18 report no later than February 12, 2022. Depending on the progress of the settlement discussions,  
19 the parties may seek an additional abeyance from the Court. If an additional abeyance is not  
20 sought, the parties request that any existing deadlines be reset for an additional 60 days from the  
21 current deadlines.

22 A proposed Order is separately filed herewith.  
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Respectfully submitted this 14th day of December 2021.

PHILLIP A. TALBERT  
Acting United States Attorney

By: /s/ David T. Shelledy  
DAVID T. SHELLEDY  
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By: /s/ Kent W. Kraushaar (approved 12/10/2021)  
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